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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 EPIC GAMES, INC.,

15 *Plaintiff/Counter-Defendant,*

16 v.

17 APPLE INC.,

18 *Defendant/Counter-Claimant.*

Case No. 4:20-cv-05640

**PROPOSED PROTOCOL FOR
PRESS POOL TRIAL COVERAGE
SUBMITTED BY THE REPORTERS
COMMITTEE FOR FREEDOM OF
THE PRESS AND 18 MEDIA
ORGANIZATIONS**

Judge: Hon. Yvonne Gonzalez Rogers

1 The Reporters Committee for Freedom of the Press (“Reporters Committee”),
 2 The Associated Press, The Atlantic Monthly Group LLC, Bloomberg L.P., The
 3 Center for Investigative Reporting (d/b/a Reveal), Dow Jones & Company, Inc., The
 4 E.W. Scripps Company, Gannett Co., Inc., The Information, KPIX-TV, MLex,
 5 National Journal Group LLC, National Press Club Journalism Institute, The National
 6 Press Club, The New York Times Company, POLITICO LLC, The Seattle Times
 7 Company, TEGNA Inc., and Vox Media, LLC, (collectively the “Media Coalition”),
 8 hereby submit the following protocol to govern press pool coverage of the bench trial
 9 scheduled to commence in the above-captioned matter on May 3, 2021.

10 In response to the Media Coalition’s April 16, 2021 administrative motion for
 11 additional trial access (ECF 457), following the pre-trial conference held on April 21,
 12 2021, the Court issued an order allocating two seats in the courtroom for pre-
 13 authorized pool reporters for each day of the bench trial scheduled to begin on May 3.
 14 *See* Pretrial Order No. 4 (ECF 468). The Court directed the Media Coalition to
 15 submit a proposed protocol for the news media’s use of those designated seats. *Id.*

16 In accordance with the Court’s order, members of the Media Coalition and
 17 representatives of other news organizations have met and conferred and the following
 18 12 reporters from the following nine news organizations have agreed to provide pool
 19 coverage, on a rotating basis, for the duration of the trial:

- 20 • Mike Acton and Amy Miller, *MLex*
- 21 • Dorothy Atkins, *Law360*
- 22 • Kellen Browning and Erin Griffith, *The New York Times*
- 23 • Paresh Dave and Stephen Nellis, *Reuters*
- 24 • Sebastian Herrera, *The Wall Street Journal*
- 25 • Mike Liedtke, *Associated Press*
- 26 • Elizabeth Lopatto, *The Verge*
- 27 • Leah Nysten, *POLITICO*

- Josh Sisco, *The Information*

On or before April 30, 2021, the Media Coalition will file with the Court—and provide via email to the Court’s Media Liaison, Nicholas Jackson—a pool schedule indicating which of the two above-listed reporters will provide pool coverage for each day of the trial. That schedule will be based on individual reporters’ availability and random assignment. Any necessary changes to the pool schedule for a given day will be communicated to the Court and to Mr. Jackson at least 24 hours in advance.

The Media Coalition respectfully requests that the designated pool reporters be authorized to enter the Ronald V. Dellums Federal Building & United States Courthouse (the “Courthouse”) in accordance with the pool schedule provided to Court. Each designated pool reporter will have a press credential and/or other photo identification that can be checked against the pool schedule when they arrive at the Courthouse. Members of the news media who serve as pool reporters will comply with the Court’s health and safety protocols while in the Courthouse, including by wearing a protective face covering.

Daily pool reports will be made electronically available to all journalists and/or news organizations who request them by the end of each trial day. Any journalist and/or news organization who wishes to receive daily pool reports may contact counsel for the Media Coalition at ktownsend@rcfp.org to facilitate that access. Reporters and news organizations who have agreed to provide pool coverage may communicate or share information more frequently and/or in real-time with other members of the pool. Members of the news media who serve as pool reporters will comply with the Court’s General Order 58 which permits the text functions (and only the text functions) of electronic devices (such as typing documents, emailing, text messaging, and tweeting) to be used in a non-disruptive manner in the courtroom

1 while proceedings are in session.¹ To facilitate efficient pool reporting and timely
 2 distribution of pool reports, the Media Coalition respectfully requests that the
 3 designated pool reporters have access to a power outlet while in the courtroom for
 4 each day of the trial.

5 Members of the news media not serving as the designated pool reporters on a
 6 given trial day may listen to livestreamed audio of the trial on the designated
 7 telephone line provided by the Court for members of the media and the class
 8 plaintiffs in related actions 4:11-cv-06714-YGR and 4:19-cv-03074-YGR. *See*
 9 Pretrial Order No. 4 (ECF 468). The Media Coalition respectfully requests that, to
 10 the extent possible, the Court's staff automatically mute those who dial-in to that
 11 designated telephone line in order to minimize background noise.

12 Dated: April 23, 2021

13 /s/ Katie Townsend

14 Katie Townsend

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 26
 27 ¹ *See* General Order No. 58, *Regulating Possession and Use of Electronic Devices in*
 28 *the Courthouse*, available at https://www.cand.uscourts.gov/filelibrary/144/GO-58_Eff_9-15-2015.pdf (Oct. 20, 2005, as amended, Sept. 15, 2015).

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2021, I electronically served the foregoing document via ECF upon all counsel of record.

Dated: April 23, 2021

/s/ Katie Townsend

Katie Townsend

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